



IPW

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 4074-10
C# M#

TAJIRI, M.

TC/A.U. 2827

Serial No. 10/700,467

Examiner: Lam, D.

Filed: November 5, 2003

Date: June 1, 2005

Title: NONVOLATILE VARIABLE RESISTOR, MEMORY DEVICE, AND SCALING
METHOD OF NONVOLATILE VARIABLE RESISTOR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

 Correspondence Address Indication Form Attached.**Fees are attached as calculated below:**

Total effective claims after amendment 26 minus highest number
previously paid for 26 (at least 20) = 0 x \$50.00 \$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment 3 minus highest number
previously paid for 3 (at least 3) = 0 x \$200.00 \$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add
\$360.00 (1051)/\$180.00 (2051) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)

One Month Extension \$120.00 (1251)/\$60.00 (2251)
Two Month Extensions \$450.00 (1252)/\$225.00 (2252)
Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)
Four Month Extensions \$1590.00 (1254)/\$795.00 (2254) \$

Terminal disclaimer enclosed, add \$130.00 (1814)/ \$65.00 (2814) \$

Applicant claims "small entity" status. Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee \$180.00 (1806) \$

Assignment Recording Fee \$40.00 (8021) \$

Other: \$

TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
By Atty: H. Warren Burnam, Jr., Reg. No. 29,366

Signature: Warren Burnam

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

TAJIRI, M.

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Atty. Ref.: 4074-10

Group: 2827

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For: NONVOLATILE VARIABLE RESISTOR, MEMORY
DEVICE, AND SCALING METHOD OF NONVOLATILE
VARIABLE RESISTOR

* * * * *

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Sir:

ELECTION UNDER 35 USC §121

In response to the Office Action dated May 16, 2005 holding the subject matter of claims 1-24 to be non-obvious and patentably distinct from that of claims 25 and 26, Applicant(s) hereby elect the invention of Group I, (upon which claims 1-24 are readable) for further substantive examination.

This election is made without traverse. However, since a restriction requirement is never proper unless the restricted group of claims is patentably distinct (i.e., inter alia, non-obvious under 35 USC §103) from the elected group of claims, the Examiner is requested to insure that such patentable distinctness is present before proceeding to make the requirement final.

It is respectfully requested that the non-elected claims be retained for use with a possible divisional application.

Respectfully submitted,
NIXON & VANDERHYE P.C.

June 1, 2005

By: H. Warren Burnam, Jr.
H. Warren Burnam, Jr.

Reg. No. 29,366

HWB:lsh

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